

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILLIPS 66 COMPANY	:	CIVIL ACTION
	:	
v.	:	NO. 24-2914
	:	
1842 RIDGE AVE LLC	:	

MEMORANDUM

KEARNEY, J.

October 10, 2024

Phillips 66 Company sued 1842 Ridge Ave LLC for trademark infringement, unfair competition, and federal trademark counterfeiting under the Lanham Act. 1842 Ridge Ave failed to answer and we entered a default judgment against it. Phillips 66 now asks us to issue a permanent injunction against 1842 Ridge Ave to (1) stop it from using the CONOCO mark and trade dress and (2) to order it to permanently remove the CONOCO mark and trade dress from its gas station. We afforded the defaulted 1842 Ridge Ave another opportunity to oppose the injunctive relief. It elected to not oppose the relief.

We grant Phillips 66's uncontested request. A permanent injunction is appropriate after we enter a default judgment against 1842 Ridge Ave on Phillips 66's trademark infringement claims. We may issue a permanent injunction to prevent continued infringement where the plaintiff has succeeded on the merits.¹ Our colleagues consistently issue permanent injunctions after default judgments against infringers.²

Phillips 66 is entitled to a permanent injunction. Phillips 66 has sufficiently shown the four factors required for a permanent injunction. Phillips 66 must show "(1) that it has suffered an irreparable injury; (2) that the remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff

and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.”³ Phillips 66 has shown irreparable injury through loss of control of its mark and trade dress.⁴ Phillips 66 has shown other remedies at law are inadequate because money damages cannot prevent future infringement or adequately compensate for loss of control over its mark and trade dress.⁵ Phillips 66 has shown the balance of the hardships supports its claim for injunctive relief because 1842 Ridge Ave’s hardship is caused by its own conduct.⁶ Phillips 66 has shown an injunction is in the public interest because the public has a right not to be deceived or confused.⁷

¹ *Mnemanian, Inc. v. Forrest*, No. 20-5209, 2021 WL 2291321, at *3 (E.D. Pa. June 9, 2021) (citing *Ciba–Geigy Corp. v. Bolar Pharmaceutical Co., Inc.*, 747 F.2d 844, 850 (3d Cir. 1984)); *7-Eleven, Inc. v. Upadhyaya*, 926 F. Supp. 2d 614, 629 (E.D. Pa. 2013).

² *Laughing Smith LLC v. PPNC, Inc.*, No. 23-1285, 2024 WL 4253346, at *5 (M.D. Pa. Sept. 20, 2024); *DGU Grp. Inc. v. Individuals, Partnerships, & Unincorporated Associations Identified on Schedule “A”*, No. 23-2022, 2024 WL 1604013, at *6 (E.D. Pa. Apr. 12, 2024); *Lutron Elecs. Co. v. Leetronics Corp.*, No. 23-3318, 2024 WL 1329781, at *5–6 (E.D. Pa. Mar. 26, 2024); *MGMT Residential, LLC v. Reeves*, No. 22-3966, 2023 WL 2471263, at *3 (E.D. Pa. Mar. 10, 2023); *Mnemanian*, 2021 WL 2291321, at *5; *Tile, Inc v. Blazing Prices*, No. 32005653, 2021 WL 1175273, at *3 (D.N.J. Mar. 29, 2021).

³ *Mnemanian*, 2021 WL 2291321, at *5 (quoting *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006)).

⁴ ECF 14 at 5-6; *Laughing Smith LLC*, 2024 WL 4253346, at *4 (quoting *Opticians Ass’n of Am. v. Indep. Opticians of Am.*, 920 F.2d 187, 195 (3d Cir. 1990)).

⁵ ECF 14 at 7; *MGMT Residential*, 2023 WL 2471263, at *4 (quoting *E.A. Sween Co., Inc. v. Deli Express of Tenafly, LLC*, 19 F. Supp. 3d 560, 577 (D.N.J. 2014)).

⁶ ECF 14 at 7-8; *Laughing Smith*, 2024 WL 4253346, at *5 (citing *Platypus Wear, Inc. v. Bad Boy Club, Inc.*, No. 08-2662, 2009 WL 2147843, at *8 (D.N.J. July 15, 2009)).

⁷ ECF 14 at 8; *DGU*, 2024 WL 1604013, at *6 (quoting *Opticians.*, 920 F.2d at 197).